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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,843	10/23/2001	Pramathesh Desai	ITW7510.006	3020

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EXAMINER

DEJESUS, LYDIA M

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/682,843

Applicant(s)

DESAI ET AL.

Examiner

Lydia M. De Jesús

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 1,3,9,16-21 and 47 is/are rejected.
- 7) ☒ Claim(s) 2,5,6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 2 and 10 are finally objected to because of the following informalities:

There is insufficient antecedent basis for the limitation “coupled to at least one annular ring of the housing” recited in lines 7-8 of claim 2.

Also, there is insufficient antecedent basis for the limitation “coupled to at least one annular ring of the housing” recited in lines 5-6 of claim 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 7, 9 and 16 through 21 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of OMEGAMARKER® Temperature Test Kit [hereinafter OMEGAMARKER®].

Wang shows a dual crayon holder assembly comprising: a first crayon [30], a second crayon [30] and a connector [10] physically connecting the first and second crayons in a single assembly. Wang also teaches holding in said assembly two crayons of different color (see column 2, lines 66-67). The holder assembly further comprises a resistance mechanism [20 +40 +11 +12] attached to the connector limiting rotational movement of the crayons about an axis, said resistance mechanism including a plurality of flanges [23].

Art Unit: 2859

The connector comprises first and second elements/end pieces [50], each having a marking end and a union end. As shown in Figure 1, said connector prevents contact between said first and second crayons.

OMEGAMARKER® discloses a kit of temperature indicator sticks in the form of crayons of different colors and each temperature indicator stick melts at a predetermined temperature. OMEGAMARKER® also shows the use a holders for each crayon.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the holder assembly of Wang for two different indicator sticks in the OMEGAMARKER® kit, each of a different melting temperature and color, as suggested by Wang, in order to provide an indicator assembly for marking two commonly used thresholds.

With respect to claims 16-21: The resulting assembly comprises a first means for indicating a first temperature, said first means comprising a first temperature indicator stick; a second means for indicating a second temperature, said second means comprising a second temperature indicating stick; means for retaining the first means to the second means to form a single indicator stick, said retaining means comprising a connector [10]; means for aligning [20] the first and second means along an axis; and means for controlling [40] movement of the first and second means.

Allowable Subject Matter

4. Claims 2, 5-6 and 8 are finally objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 10-15 and 22-27 are allowed.

Art Unit: 2859

6. The following is a statement of reasons for the indication of allowable subject matter:

Claim 2 has been found to be allowable over the Prior Art of record because the Prior Art of record fails to teach or suggest a dual temperature indicator stick including a pair of collets having threads and each being rotatably coupled to the housing and configured to engage separate temperature indicating sticks upon rotation of the collet about the housing, in combination with limitations of claim 1.

Claim 5 has been found to be allowable over the Prior Art of record because the Prior Art of record fails to teach or suggest a dual temperature indicator stick including at least one collet having threads attached to the connector and configured to engage one of the first and second indicator sticks, in combination with the limitations of claim 1.

Claim 6 has been found to be allowable over the Prior Art of record because the Prior Art of record fails to teach or suggest a dual temperature indicator stick wherein, in addition to the limitations recited in claim 1, wherein at least one of the first and second indicator sticks is shaped to have a ridge configured to engage threads of the collet during extension of said indicator stick. It should be noted however that the claim language, according to Applicant's remarks on Paper No. 4, does not call for a collet.

Claim 8 has been found to be allowable over the Prior Art of record because the Prior Art of record fails to teach or suggest a dual temperature indicator stick wherein, in addition to the limitations recited in claim 7, the union ends of the first and second elements thread with each other.

Claim 10 has been found to be allowable over the Prior Art of record because the Prior Art of record fails to teach or suggest a dual temperature indicator stick holder comprising a pair

Art Unit: 2859

of collets, each rotatably coupled to the housing and configured to engage a separate indicator stick upon rotation of the collet about the housing, in combination with the remaining limitations of said claim.

Claims 11 through 15 have been found to be allowable over the Prior Art of record due to their dependence upon claim 10.

Claim 22 has been found to be allowable over the Prior Art of record because the Prior Art of record fails to teach or suggest a method to provide a dual temperature indicator stick comprising the step of connecting a first and second indicator stick, as recited in said claim, in a single assembly.

Claims 23 through 27 have been found to be allowable over the Prior Art of record due to their dependence upon claim 22.

Response to Arguments

7. Applicant's arguments filed December 30, 2002 have been fully considered but they are not persuasive.

In response to Applicant's argument stating that the rejections presented in the Previous Office action are not sustainable because the date corresponding to the OMEGAMARKER® was not provided: Enclosed in this communication is a copy of page F-10 of The Temperature Handbook, published by OMEGA® Engineering, Inc. confirming publication of a description of the OMEGAMARKER® Temperature Test Kit as of 1995. The rejection is hence considered to be proper.

Moreover, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of

Art Unit: 2859

the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lydia M. De Jesús whose telephone number is (703) 306-5982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

LDJ
February 23, 2003


Diego F.F. Gutierrez
Supervisory Patent Examiner
Technology Center 2800